



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** COUNTY MANAGER

**File #:** 22-063

Board Meeting Date: 1/25/2022

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Michael P. Callagy, County Manager  
Connie Juarez-Diroll, Legislative Officer

**Subject:** Application for Grant Funding from the Board of State and Community Corrections  
Public Defense Pilot Program

### **RECOMMENDATION:**

Adopt a resolution:

- A) Authorizing the San Mateo County Private Defender Program to submit an application for \$975,173 in grant funding from the Board of State and Community Corrections ("BSCC") Public Defense Pilot Program; and
- B) Authorizing the San Mateo County Private Defender Program (PDP) to sign the Grant Agreement, including any amendments thereof.

### **BACKGROUND:**

The Budget Act of 2021 (Senate Bill 129) established the Public Defense Pilot Program. Public Defense Pilot Program funds must be utilized for indigent defense providers, including public defenders, alternate defenders, and other qualifying entities that provide indigent defense in criminal matters for the purposes of workload associated with the provisions in paragraph (1) of subdivision (d) of Section 1170, and Sections 1170.95, 1473.7, and 3051 of the Penal Code.

For Fiscal Year 2021-22, the Budget Act appropriated \$50,000,000 for the Public Defense Pilot Program of which \$49,500,000 is available for California counties and \$500,000 is available for administrative costs and for an independent evaluation. The BSCC, which is tasked with allocation of these funds, has calculated the amount of funding each county is eligible to receive for FY 2021-22. San Mateo County has been allocated a maximum of \$975,173.30 in grant funding, which cannot supplant or replace existing funds for indigent defense and must be used to augment or expand existing program activities or support new program activities for purposes of workload associated with the provisions previously outlined. The BSCC anticipates similar appropriations in FY 2022-23 and 2023-24, subject to the state budget process.

San Mateo County contracts with the San Mateo County Bar Association (SMCBA) to provide indigent defense in criminal matters solely through its Private Defender Program.

**DISCUSSION:**

Upon designation by the County, the San Mateo County Private Defender Program will seek grant funds to support new activities and to augment and expand PDP activities for purposes of their workload within all four categories. The PDP also seeks to increase the number of persons it serves within these categories through outreach, screening, training, recruitment, and quality representation.

By approving this resolution, San Mateo County would designate the SMCBA's Private Defender Program as the applicant for these funds and would resolve not to supplant County funds for indigent defense as required for all BSCC grants. If the BSCC approves the SMCBA's Private Defender Program's application for funding, a resolution from the Board must be on file with the BSCC before a fully executed grant agreement can be executed.

The grant period is from March 1, 2022 to January 1, 2025.

County Counsel has reviewed and approved the resolution as to form.

**FISCAL IMPACT:**

There will be no fiscal impact to the County associated with this item.